

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



JEFFREY EDWARD DICK,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

1:06CV00018

1:00CR351-1

J-U-D-G-M-E-N-T

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 10, 2006, was served on the parties in this action. No objections were filed within the time prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's motion for reconsideration pursuant to Fed. R. Civ. P. 60(b) [Pleading No. 1] be construed as an attempt by Petitioner to file a second or successive § 2255 action and that this action be dismissed without prejudice due to Petitioner's failure to obtain certification from the Fourth Circuit as required by 28 U.S.C. §§ 2244 and 2255 and the Fourth Circuit Local Rule 22(d).


United States District Judge

Date: March 16, 2006